



General Assembly

January Session, 2023

Raised Bill No. 6905

LCO No. 6076



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING STATE CONTRACTING AND THE
DISPENSING, SALE AND DISTRIBUTION OF CERTAIN
PHARMACEUTICALS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
2 section:

3 (1) "State agency" has the same meaning as provided in section 1-79
4 of the general statutes;

5 (2) "Quasi-public agency" has the same meaning as provided in
6 section 1-79 of the general statutes;

7 (3) "Municipality" means any town, city, consolidated town and city
8 or consolidated town and borough;

9 (4) "State contract" means an agreement of an entity to provide goods
10 or services for the state or for a municipality that is funded, in whole or
11 in part, by state funds, and includes, but is not limited to, a group
12 hospitalization and medical and surgical insurance plan procured

13 under section 5-259 of the general statutes;

14 (5) "Pharmaceutical" means a substance intended for use in the cure,
15 mitigation, treatment or prevention of a condition related to the human
16 reproductive system, including pregnancy, contraception or the
17 termination of a pregnancy in humans; and

18 (6) "Entity" means any corporation, general partnership, limited
19 partnership, limited liability partnership, joint venture, nonprofit
20 organization or other business organization that dispenses, sells or
21 distributes pharmaceuticals, and includes all wholly-owned
22 subsidiaries, majority-owned subsidiaries, parent companies or
23 affiliates of such entities or business associations that exist for the
24 purpose of making a profit.

25 (b) Not later than November 1, 2023, and annually thereafter, any
26 entity that dispenses, sells or otherwise distributes pharmaceuticals in
27 this state shall submit to the Department of Administrative Services a
28 certification under penalty of false statement concerning (1) whether the
29 entity has an official policy of refusing to dispense, sell or distribute such
30 pharmaceuticals in another state, and (2) the reason for such policy of
31 refusal, including, but not limited to, any claim that such dispensing,
32 sale or distribution is prohibited in another state. The Commissioner of
33 Administrative Services may prescribe a form for such certification. The
34 commissioner shall submit a copy of any certification that affirms a
35 policy of refusal based upon a claim that the dispensing, sale or
36 distribution of such pharmaceuticals is prohibited in a state to the office
37 of the Attorney General. The Attorney General shall analyze and issue
38 an opinion regarding whether the Attorney General agrees that such
39 dispensing, sale or distribution of pharmaceuticals is prohibited and
40 shall submit such opinion to the commissioner.

41 (c) Not later than December 1, 2023, the commissioner shall (1)
42 compile a list of all certifications received under this subsection that
43 includes whether each entity listed has such a policy of refusal, and (2)
44 post such list on the department's Internet web site, including any

45 opinion issued by the Attorney General, if applicable. The commissioner
46 shall update such posted list periodically, but not less than quarterly.

47 (d) On and after December 1, 2023, no state agency, quasi-public
48 agency or municipality shall enter into, amend or renew any state
49 contract with any entity or pay any claim or approve any payment to an
50 entity, unless (1) such entity submits a copy of its most recent
51 certification submitted under subsection (b) of this section, under
52 penalty of false statement, and (2) either (A) such certification states that
53 such entity does not have a policy of refusal, as described in subsection
54 (b) of this section, or (B) such certification states that such entity's policy
55 of refusal is based upon a claim that the dispensing, sale or distribution
56 of such pharmaceuticals is prohibited in a state, and the opinion issued
57 by the Attorney General supports such claim.

58 (e) Each state agency, quasi-public agency and municipality shall
59 include in the bid specifications or request for proposals for a state
60 contract a notice of the certification requirements of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

Statement of Purpose:

To require entities to annually certify whether they have an official policy of refusing to dispense, sell or distribute certain pharmaceuticals in other states and to prohibit state and quasi-public agencies and municipalities from entering into a contract with any entity that has such a policy unless based upon a supported claim that such dispensing, sale or distribution is illegal in a state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]